

AMENDED IN SENATE APRIL 26, 2010

AMENDED IN SENATE APRIL 15, 2010

AMENDED IN SENATE MARCH 8, 2010

SENATE BILL

No. 968

**Introduced by Senator Negrete McLeod
(Coauthors: Senators Correa, DeSaulnier, and Oropeza)**

February 5, 2010

An act to amend Sections 1266, 1267, 1268, 1271, 1271.5, and 1272 of, to amend the heading of Article 1.5 (commencing with Section 1266) of Chapter 5 of Part 1 of Division 1 of, to repeal Section 1270 of, and to repeal and add Section 1269 of, the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 968, as amended, Negrete McLeod. Unemployment insurance: *training and* retraining benefits.

Existing law provides for unemployment compensation benefits to eligible persons who are unemployed through no fault of their own. Existing law, until January 1, 2015, provides for retraining benefits to eligible individuals pursuant to the federal Trade Act of 1974, as amended by the federal Trade Act of 2002. Existing law authorizes an unemployed individual who files a claim for unemployment compensation benefits or extended duration benefits, or an application for federal-state extended benefits or any federally funded unemployment compensation benefits, to apply to the Employment Development Department for benefits during a period of training or retraining.

This bill would establish the California Training Benefits Program, which, among other things, would, instead, specify that an unemployed individual shall be automatically eligible for those training and retraining benefits, regardless of whether the individual applies to the department for a determination of potential eligibility if specified criteria apply, or if the Director of Employment Development makes a determination of eligibility.

Existing law requires that a determination of potential eligibility for specified training and retraining benefits be issued to an unemployed individual if the Director of Employment Development finds that specified conditions apply.

This bill would delete those provisions, and instead specify that an unemployed individual who is able to work is eligible to receive training and retraining benefits if he or she certifies on the unemployment insurance claim form for benefits that he or she is enrolled in a training program ~~designed to increase or improve his or her job skills and employability~~ *that meets criteria specified by this bill*, and a responsible person connected with the training or retraining program certifies that the individual is enrolled and is satisfactorily pursuing the training or retraining program.

Existing law specifies that any unemployed individual receiving certain unemployment compensation benefits, who applies for a determination of potential eligibility for those benefits no later than the 16th week of his or her receiving those benefits, and is determined to be eligible for those benefits, is entitled to a training extension on his or her unemployment claim, if necessary, to complete approved training.

This bill would eliminate that requirement that an individual apply for a determination of potential eligibility no later than the 16th week of his or her receiving those benefits, and would instead require that any unemployed individual receiving unemployment compensation benefits be entitled to a training extension on his or her unemployment compensation claim, if necessary, to complete approved training.

Existing law requires the department to inform all individuals who claim unemployment insurance compensation benefits in this state of the benefits potentially available, as provided.

This bill would require the department to also publicize and promote the benefits available under those provisions on its Internet Web site.

Existing law specifies that, for purposes of provisions governing eligibility for work with respect to any week an individual is eligible for unemployment benefits, an unemployed individual who is able to

work is eligible to receive benefits with respect to any week during a period of training or retraining, if the director finds that specified conditions apply.

This bill would remove that requirement that the director make a specified finding for an unemployed individual who is able to work to be eligible to receive those benefits, if those specified conditions apply.

Because the bill would make various changes to existing eligibility requirements for training and retraining benefits, which would result in additional amounts being payable from the Unemployment Fund, the bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The heading of Article 1.5 (commencing with
2 Section 1266) of Chapter 5 of Part 1 of Division 1 of the
3 Unemployment Insurance Code is amended to read:

4
5 Article 1.5. California-~~Retraining~~ *Training* Benefits
6

7 SEC. 2. Section 1266 of the Unemployment Insurance Code
8 is amended to read:

9 1266. Experience has shown that the ability of a large number
10 of the population of California to compete for jobs in the labor
11 market is impaired by advancement in technological improvements,
12 the widespread effects of automation and relocation in our
13 economy, and foreign competition as set forth in petitions certified
14 under the federal Trade Act of 1974, as amended (Title 19, United
15 States Code, Sections 2101 et seq.). The Legislature finds that
16 many individuals in California are lacking in skills that would
17 make them competitive in the labor market. They are in need of
18 training or retraining to upgrade their skills. It is the policy of this
19 state to assist these individuals by providing unemployment
20 compensation benefits, extended duration benefits, and other
21 federally funded unemployment compensation benefits, including
22 those available under the federal Trade Act of 1974 (Public Law
23 93-618), as amended by the federal Trade Act of 2002 (Public Law
24 107-210), during a period of retraining to qualify them for jobs
25 and thus avoid long-term unemployment.

1 SEC. 3. Section 1267 of the Unemployment Insurance Code
2 is amended to read:

3 1267. Notwithstanding any other provision of this division,
4 with respect to an unemployed individual otherwise eligible for
5 benefits, those benefits shall not be denied to an individual for any
6 week because he or she is in approved training or retraining, or
7 because of the application to any such week in training or retraining
8 of any law of this state relating to availability for work, active
9 search for work, refusal to accept work, or for leaving his or her
10 most recent work, if continuing the most recent work would require
11 the individual to terminate his or her training or retraining course
12 of instruction. The individual is considered to be in training or
13 retraining during regularly scheduled vacation or recess periods,
14 such as Christmas and Thanksgiving holidays, or semester breaks,
15 but not during a summer vacation period. As used in this article,
16 “individual” includes an exhaustee as defined in Section 3503, and
17 any individual claiming federal-state extended benefits under Part
18 4 (commencing with Section 4001), and anyone receiving federally
19 funded unemployment compensation benefits.

20 SEC. 4. Section 1268 of the Unemployment Insurance Code
21 is amended to read:

22 1268. (a) An unemployed individual who files a claim for
23 unemployment compensation benefits or extended duration
24 benefits, or an application for federal-state extended benefits or
25 any federally funded unemployment compensation benefits shall
26 be eligible for benefits during a period of training or retraining
27 allowed under this article if one of the following applies:

28 (1) The training is authorized by the federal Workforce
29 Investment Act, or other federally funded workforce programs, or
30 by the Employment Training Panel established pursuant to Chapter
31 3.5 (commencing with Section 10200) of Part 1 of Division 3.

32 (2) The training is authorized by the federal Trade Act of 1974
33 (19 U.S.C. Sec. 2101 et seq.), as amended by the federal Trade
34 Act of 2002 (Public Law 107-210) and as amended by the Trade
35 and Globalization Adjustment Assistance Act of 2009, pursuant
36 to a certified petition.

37 (3) The individual is a participant in the California Work
38 Opportunity and Responsibility to Kids (CalWORKs) program
39 pursuant to Article 3.2 (commencing with Section 11320) of, or
40 Article 3.3 (commencing with Section of 11330) of, Chapter 2 of

1 Part 3 of Division 9 of the Welfare and Institutions Code, and has
2 entered into a contract with the county welfare department to
3 participate in an education or training program.

4 (4) The training is a registered apprenticeship program
5 authorized by the Division of Apprenticeship Standards of the
6 Department of Industrial Relations.

7 (5) The individual is a journey level union member and the
8 training or retraining course of instruction is industry-related
9 training necessary due to changes in technology, industry demands,
10 or it is necessary to retain employment or to become more
11 competitive in obtaining employment.

12 (6) The individual is enrolled in a community college or other
13 public postsecondary program with the purpose of preparing the
14 applicant in academic or job skills that will increase employment
15 opportunities or that leads to a degree, credential, or certificate.

16 (7) The individual is enrolled in any public-funded education
17 and training program, including remedial training that improves
18 the individual's employability, with the primary purpose of
19 preparing the individual in academic or job skills that will allow
20 him or her to obtain employment or that will increase employment
21 opportunities.

22 (b) If none of the criteria in subdivision (a) are met, a
23 determination of eligibility shall be issued if the director finds that
24 all of the following apply:

25 (1) Work in the individual's usual occupation does not exist, or
26 the demand for that work has substantially diminished, or the
27 individual's skills are in need of upgrading due to technological
28 or other advances.

29 (2) The training program is approved or accredited by the
30 Division of Apprenticeship Standards of the Department of
31 Industrial Relations, an institution recognized by the federal
32 Department of Education, the State Department of Education, the
33 Chancellor's Office of the California Community Colleges, or the
34 Bureau for Private Postsecondary Education.

35 (3) The training or retraining course of instruction relates
36 directly to an occupation or skill for which there are, or are
37 expected to be in the future, reasonable employment and career
38 advancement opportunities in the labor market area in this state in
39 which the individual intends to seek work.

1 SEC. 5. Section 1269 of the Unemployment Insurance Code
2 is repealed.

3 SEC. 6. Section 1269 is added to the Unemployment Insurance
4 Code, to read:

5 1269. Notwithstanding subdivision (c) of Section 1253, an
6 unemployed individual who is able to work is eligible to receive
7 benefits under this article if both of the following conditions are
8 met:

9 (a) He or she certifies on the unemployment insurance claim
10 form that he or she is enrolled in a training program ~~designed to~~
11 ~~improve his or her job skills or employability.~~ *that meets the*
12 *criteria described in Section 1268.*

13 (b) A responsible person connected with the training or
14 retraining program, including, but not limited to, a one-stop
15 counselor, training program director, instructor, or community
16 college counselor, certifies that the individual is enrolled and is
17 satisfactorily pursuing the training or retraining course of
18 instruction.

19 SEC. 7. Section 1270 of the Unemployment Insurance Code
20 is repealed.

21 SEC. 8. Section 1271 of the Unemployment Insurance Code
22 is amended to read:

23 1271. (a) Any unemployed individual receiving unemployment
24 compensation benefits payable under this division shall be entitled
25 to a training extension on his or her unemployment compensation
26 claim, if necessary, to complete approved training.

27 (b) The training extension shall provide the claimant with a
28 maximum of 52 times the weekly benefit amount, which shall
29 include the maximum benefit award on the parent unemployment
30 compensation claim.

31 (c) The parent unemployment compensation claim shall be the
32 unemployment compensation claim in existence at the time the
33 claimant is determined eligible for benefits pursuant to subdivision
34 (a).

35 (d) Benefits payable under this section are subject to the
36 following limitations:

37 (1) The individual shall remain eligible for benefits under this
38 article for all weeks potentially payable under this section.

39 (2) The individual shall file any unemployment compensation
40 claim to which he or she becomes entitled under state or federal

1 law, and shall draw any unemployment compensation benefits on
2 that claim until it has expired or has been exhausted, in order to
3 maintain his or her eligibility under this article.

4 (3) To the extent permitted by federal law, benefits payable
5 under any federal unemployment compensation law shall be
6 included as benefits payable under this section.

7 SEC. 9. Section 1271.5 of the Unemployment Insurance Code
8 is amended to read:

9 1271.5. (a) The department shall inform all individuals who
10 claim unemployment compensation benefits in this state of the
11 benefits available under this article and Section 1271. The
12 department may convey this information verbally or in written
13 form. If in written form, the department may utilize publications
14 or handbooks that inform individuals of their rights and duties in
15 regard to unemployment compensation benefits. The department
16 shall also publicize and promote the benefits available under this
17 article on its Internet Web site. These publications, issued by the
18 department pursuant to authorized regulations, in conjunction with
19 the publicizing and promoting of benefits on its Internet Web site,
20 may be used to satisfy the requirements of this section.

21 (b) Benefits paid under Section 1271 shall be charged to
22 individual employer reserve accounts, consistent with the
23 provisions of this code.

24 SEC. 10. Section 1272 of the Unemployment Insurance Code
25 is amended to read:

26 1272. Notwithstanding subdivision (c) of Section 1253, an
27 unemployed individual who is able to work is eligible to receive
28 benefits under this article with respect to any week during a period
29 of training or retraining only if both of the following apply:

30 (a) He or she ~~has been determined potentially~~ is eligible under
31 Section ~~1269~~ 1268, 1269, or 1271.

32 (b) He or she submits with each claim a written certification
33 executed by a responsible person connected with the training or
34 retraining program certifying that he or she is enrolled in and
35 satisfactorily pursuing the training or retraining course of
36 instruction.